# IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :

:

v. : 1:08CR149-1

:

KEVIN GUNTHARP

## FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states as follows:

Several months ago, the Charlotte FBI field office received a lead from New Orleans FBI concerning a credit card purchase in the name of KEVIN GUNTHARP. GUNTHARP's credit card had been used for payment to internet websites offering child pornography.

Based on this lead, FBI agents Jason Clower and Russ Brown visited GUNTHARP's residence. Because no one was home, the agents left a business card. A few days later, the agents received a return call from GUNTHARP. Subsequently, on June 12, 2007, the agents returned to GUNTHARP's residence and he agreed to answer questions. GUNTHARP admitted that he had used his credit card to search for, purchase, and download child pornography. GUNTHARP admitted that he was interested in young girls - primarily 15 to 16 years-old, but sometimes younger. GUNTHARP signed a permission to search (his computer) form and a preliminary examination revealed

child pornography on his computer.

A complete forensic examination revealed that GUNTHARP's computer contained

nearly 2000 images of CP, including known victims. In addition, SA Rich Novelli determined that on June 11, 2007, GUNTHARP deleted a folder that contained most of the CP however, it remained on the computer's hard drive. The forensic examination also revealed that much of the CP was received, that is, the files were created on September 29, 2006.

Subsequently, the images were examined by an investigator with the Child Victim Identification Program of the National Center for Missing and Exploited Children. The examination confirmed that there were "known victims" among the images of child pornography possessed by GUNTHARP.

This the 11th day of July, 2008.

Respectfully submitted,

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#### CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2008, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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